

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article and in the leaflet and circular were false and misleading since the statements represented and suggested that the article was effective as a treatment, preventive, and cure for rheumatism and arthritis conditions, and as a treatment for boils and acne, whereas the article was not effective for such purposes.

DISPOSITION: June 16, 1950. Default decree of condemnation and destruction.

3156. Misbranding of McLaran's 3 out of 5. U. S. v. 52 Dozen Jars, etc. (F. D. C. No. 24889. Sample No. 9189-K.)

LIBEL FILED: June 15, 1948, District of New Jersey.

ALLEGED SHIPMENT: On or about April 21 and 26 and May 4, 1948, by International 3 out of 5 Co., Ltd., from New York, N. Y.

PRODUCT: 52 dozen jars of *McLaran's 3 out of 5* at Asbury Park, N. J., together with a number of reprints from various magazines, a number of streamers entitled "Bring New Ambition to Your Scalp," and a number of counter display cards entitled "Here's the way to Bring New Ambition to Your Scalp" and "McLaran's 3 out of 5."

Examination showed that the product consisted essentially of lanolin, pumice, and a perfume material.

LABEL, IN PART: (Jar) "McLaran's 3 out of 5 For the Scalp Net Weight 3 Ounces."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the jar labels, display cartons, reprints from magazines, streamers, and counter display cards were false and misleading. The statements represented and suggested that the article was effective in growing hair in 3 out of 5 cases. The article was not effective to grow hair.

DISPOSITION: June 27, 1950. McLaran's 3 out of 5 For the Scalp, Inc., New York, N. Y., having appeared as claimant and later having withdrawn its claim, and Slav J. Youcheff, New York, N. Y., having subsequently filed a claim and answer in the case and having subsequently withdrawn his answer and consented to the entry of a decree, judgment of condemnation was entered. The court ordered that the product be destroyed.

3157. Misbranding of Ferguson's Zerret Applicator. U. S. v. William R. Ferguson (Ferguson's Zerret Applicator), and Mary A. Stanakis. Pleas of not guilty. Tried to the court and jury. Verdict of guilty. Sentence of 2 years in jail against William R. Ferguson and 1 year in jail against Mary A. Stanakis. (F. D. C. No. 25582. Sample Nos. 70216-H, 14906-K, 25863-K.)

INFORMATION FILED: March 31, 1949, Northern District of Illinois, against William R. Ferguson, trading as Ferguson's Zerret Applicator, Chicago, Ill., and Mary A. Stanakis.

ALLEGED SHIPMENT: On or about May 6 and November 18, 1947, and July 8, 1948, from the State of Illinois into the States of Wisconsin and South Dakota.

PRODUCT: This product was a dumbbell-shaped plastic device. Three of the devices were dismantled, and at the time of examination, one was found to contain only cotton and paraffin in the interior; one contained only dry cotton; and the third was filled with water, with a solids content somewhat greater than the published solids content of Chicago city water. The user was directed